

Resistance Is Obligatory

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He who argues that peaceful dissidents on historical issues should be deprived of their civil rights for their diverging views, that is: incarcerated, is – if given the power to implement his intentions – nothing else but a tyrant (if enacting laws to support his oppressive deeds) or a terrorist (if acting outside the law).

I. A Peaceful Dissident's Ordeal

Imagine that you are a scientist who has summarized the results of fifteen years of research in a book – and that shortly after publishing this book you are arrested and thrown into prison exactly for this. Imagine further that you are aware with incontrovertible certainty that in the scheduled trial you and your defense attorneys will be forbidden, under threat of prosecution, to prove any factual claims made in that book; that all other motions to introduce supporting evidence will be rejected as well; that all the courts up to the highest appellate will support such conduct; that only a very few of your research colleagues will dare to confirm the legitimacy and quality of your book because they fear similar persecution; but that the efforts of these few colleagues will be in vain as well; and finally that the news media, the so-called “guardians of freedom of speech,” will join the prosecution in demanding your merciless punishment. In such a situation as this, how would you “defend” yourself in court?

This is precisely the Kafkaesque situation in which I found myself at the end of 2005 after having been abruptly and violently separated from my wife and child by U.S. Immigration authorities in Chicago, [\[1\]](#) deported to Germany and immediately thrown into jail to await trial, on account of my book *Lectures on the Holocaust*, which I had published in the summer of 2005, and for Web pages promoting this and other similar books. This was no plot against me personally, though, because this is the same situation everyone faces who clashes with Germany's law penalizing the “denial of the Holocaust.” The situation is similar in many other nations, most of them in Europe.

Various defense attorneys unanimously assured me that all defense was doomed in principle and that I would have to reckon with a prison sentence close to the maximum term (five years). Other attorneys advised me to recant my political views and feign remorse and contrition, which might gain me the clemency of the Court.

Renouncing my scientific convictions was not an acceptable option for me, though. A defense based on the facts of the case was impossible, and if attempted regardless, it merely would have exacerbated my situation, because in trying to prove that my views are correct I would have repeated once more the very crime of violating state dogma for which I was on trial in the first place.

But even if such an approach had been possible, I still would have rejected it, because I am firmly convinced that no court has the right to pass binding judgment on matters of scientific controversy. It is therefore an impermissible concession to allow a court of law to pass judgment on the correctness of scientific theses – here about history – in the first place. Every such motion to introduce evidence is already a crime against science, because it undermines its independence from the judiciary.

Thus I decided quite early to treat the upcoming trial as an opportunity to document the Kafkaesque legal conditions now prevailing in the Federal Republic of Germany in order to write a book about it after the trial was over. For this reason I wanted to make a thorough statement about the governing

legal situation at the beginning of the main proceedings. After a biographical introduction, I explained the actual nature of science as such and its significance for human society. This was followed by a depiction of the Kafkaesque situation prevailing in German court trials today, whose mission is to suppress opinions that are a thorn in the side of the power elite. After analyzing today's practice, which violates all our human and constitutional rights, I posed the explosive question of the extent to which I as a citizen of this State have the right and even the duty to resist such injustice.

Subsequently my seven-day presentation in court turned itself into a *Lecture*, this time on the principles of science and on the destruction of freedom of opinion in Germany.

At the end I did receive a prison sentence of 30 months, which is only half of what had been augured by the lawyers, and that in spite of publicly re-affirming my right to express my revisionist views and in spite of calling for resistance against the German authorities.

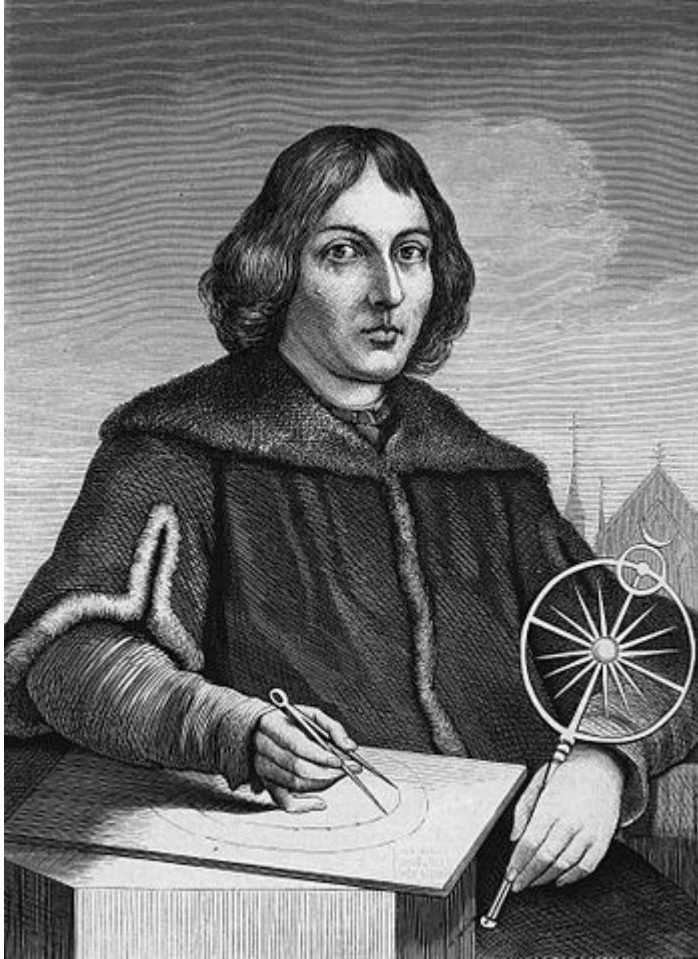
Here I would like to give a condensed excerpt of my courtroom lectures, a complete version of which with ample documentation is forthcoming.^[2] In section VIII, I will add a few observations on my experiences in prison, which are not included in said upcoming book.

II. Defense Strategy

I began my courtroom lectures with a few general remarks about my defense strategy, which, in a way, were a declaration of war to the German authorities. I stated:

1. During my defense, statements about historical subjects will be made by me only in order
 - a. to explain and illustrate my personal development;
 - b. to illustrate by examples the criteria of the nature of science;
 - c. to place the District Attorney's charges regarding my statements in a larger context.
2. These Statements are not made in order to buttress my historical opinions with facts.
3. I will not file motions asking the Court to consider my historical theses – for the following reasons:
 - a. Political: German courts are forbidden by orders from higher up to accept such motions to introduce evidence, as is stated in Article 97 of the German Basic Law:^[3] "Judges are independent and subject only to the Law." Please pardon my sarcasm.
 - b. Opportunistic: Item a) above does not prohibit me from submitting motions to introduce evidence. However, since they would all be rejected, it would all be an effort in futility. We should all spare ourselves this waste of time and energy.
 - c. Reciprocal: Since present law denies me the right to defend myself historically and factually, I in turn am denying my accusers the right to charge me historically and factually on the basis of the maxim of equality and reciprocity. Thus I consider the prosecution's historical allegations to be non-existent.
 - d. Juridical: In 1543, Nicolaus Copernicus^[4]

"If perchance there should be foolish speakers who, together with those ignorant of all mathematics, will take it upon themselves to decide concerning these things, and because of some place in the Scriptures wickedly distorted to their purpose, should dare to assail this my work, they are of no importance to me, to such an extent do I despise their judgment as rash."



Nicolaus Copernicus (19 February 1473 – 24 May 1543) was a Renaissance astronomer and the first person to formulate a comprehensive heliocentric cosmology which displaced the Earth from the center of the universe.

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No court in the world has the right or the competence to authoritatively decide scientific questions. No parliament in the world has the right to use penal law to dogmatically prescribe answers to scientific questions. Thus it would be absurd for me as a science publisher to ask a court of law to determine the validity of the works I have published. Only the scientific community is competent and entitled to do this.

III. Dignity

One hideous feature of German legal standards is that, when it comes to “the Holocaust,” it pits human dignity against the right to search for the truth. According to this “logic,” the human dignity of all Jews – those who suffered back then and those who live today – depends on everyone accepting the orthodox Holocaust narrative. And since the protection of human dignity is the first and most important article in the German constitution, this has priority over everything else.

What I pointed out first in court was the fact that denying us the search for the truth is an even more serious violation of human dignity than denying the Jews a certain narrative of a detail of their history.

After all: what sets us humans apart from bacteria and insects? Isn't it the capacity to doubt our senses and to systematically search for the reality behind the mere semblance? To bolster my case, I quoted several famous personalities of western culture, such as Socrates, who observed:[\[5\]](#)

"The unexamined life is not worth living."

Aristotle was expressing the same thought when he observed:[\[6\]](#)

"All men by nature desire to know."

"[...] for men, therefore, the life according to reason is best and pleasantest, since reason more than anything else is men."[\[7\]](#)

Konrad Lorenz described human curiosity, that is, the will to learn the truth, with these words:[\[8\]](#)

"There exist inborn behavioral systems that are equivalent to human rights whose suppression can lead to serious mental disturbances."

The philosopher Karl R. Popper described the difference between us humans and the animals as follows:[\[9\]](#)

"the main difference between Einstein and an amoeba [...] is that Einstein consciously seeks for error elimination. He tries to kill his theories: he is consciously critical of his theories which, for this reason, he tries to formulate sharply rather than vaguely. But the amoeba cannot be critical because it cannot face its hypotheses: they are part of it. (Only objective knowledge is criticizable. Subjective knowledge becomes criticizable when we say what we think; and even more so when we write it down, or print it.)"

Skepticism and curiosity, doubting one's senses and theories and looking deeper in search for the truth, is therefore what brought us down from the trees and out of the caves. They are what made us what we are and what sets us apart from animals. Hence the rights to doubt and to search for the truth are not negotiable. It is therefore perfidious when the State pits freedom of science against human dignity, when in fact they are inseparable. We all are entitled by nature to seek the truth and announce what we think we have found. We do not need any official permission for this.

IV. Enlightenment

When it comes to the Holocaust, the most important values of western civilization are turned upside down. To prove this, I quoted philosopher Immanuel Kant's classic definition of enlightenment:[\[10\]](#)

"Enlightenment is man's leaving his self-caused immaturity. Immaturity is the incapacity to use one's intelligence without the guidance of another. Such immaturity is self-caused, if it is not caused by lack of intelligence, but by lack of determination and courage to use one's intelligence without being guided by another. Sapere Aude! [dare to know] Have the courage to use your own intelligence! is therefore the motto of the enlightenment."

Yet when it comes to the "Holocaust," most governments discourage us from using our own intelligence. Some of them even threaten us with prosecution, and they insist that we follow the guidance of others. Karl Popper characterized a society where the authorities enforce a "state belief" and impose taboos as

a closed, dogmatic, archaic society. [\[11\]](#) The modern, open society, in contrast, encourages criticism of traditional dogmas. In fact, this is its foremost hallmark. [\[12\]](#)

Hence, dogma and criticism stand opposed to each other as antipodes. In our case, this is the State opposed to revisionism; or in other words the Enemies of Science on one hand versus Science on the other:

- Dogma vs. Critique
- State vs. Revisionism
- Enemies of Science vs. Science

For the scientist, however, dogmas and taboos are strictly unacceptable.

V. Science

The two non-negotiable main pillars of any scientific endeavor are:

1. Freedom of Hypothesis: At the beginning of the quest for creating knowledge any question may be asked. Doubt as the intellectual basis of all humans can be expressed as a simple question: “Is this really true?” Thus curiosity is nothing other than reason posing questions in search of answers.

2. Undetermined Outcome: The answers to research questions can be determined exclusively by verifiable evidence. They cannot be determined by taboos or official guidelines laid down by scientific, societal, religious, political, judicial or other authorities.

If answers to scientific questions are prescribed, then posing questions is degraded to a mere rhetorical farce, and science becomes impossible. This is therefore not just an undermining of the essential nature of science, but its complete abolition.

I therefore told the German court:

“As a scientist and science publisher, it is my duty to actively combat the gutting of the pillars of science by promoting such doubt, skepticism, and critiques, and by providing them a venue.”

Next I presented a thorough discussion about the nature of science and how to determine whether a paper or book is scholarly/scientific in nature, relying mainly on the works by my favorite philosopher and epistemologist Karl. R. Popper. [\[13\]](#) I will spare the reader the details of this discussion and will merely reproduce the summary here:

What Is Science?

- There are no (final) judgments, but rather always only more or less reliable (preliminary) pre-judgments.
- The reasons, that is to say the evidence, for our pre-judgments must be testable/verifiable as well as possible.
- We must both actively and passively test and criticize:
 - Test and criticize pre-judgments and reasons of others.

- Invite others to test and criticize our pre-judgments and welcome this activity. This includes the *duty* to publish one's findings in order to enable others to critique them.
- We must address the tests and critiques of others and test and criticize them in turn. This also means that one should not back down too fast in the face of criticism.
- We have to avoid immunizing our pre-judgments:
 - Avoid creating auxiliary theories designed to prop up an untenable or awkward main hypothesis.
 - Select data only according to objective criteria, using the technique of source criticism.
 - Use exact, consistent and constant definitions of terms.
 - Avoid attacks on persons as substitute for factual arguments.

The motivation of my lengthy elaborations to define the nature of science is that the mainstream disparages revisionist works as merely "pseudo-scientific," *i.e.*, false science. After having defined the formal characteristics of scientific works, I then juxtaposed several cases of orthodox scholarship clearly bearing the hallmarks of "pseudo-science" with revisionist works which meet the definition of scientific works much better.

I restrict myself here to summarizing only one case presented to the court, which deals with the arbitrary selection and elimination of data. It concerns a Polish attempt^[14] at refuting revisionist claims based on the results of chemical analyses of wall samples taken at Auschwitz by Fred Leuchter^[15] and by myself.¹⁶ The problem the Poles had to overcome was that the analytical results as such were undeniably true and reproducible. What they subsequently did amounted to a scientific fraud: They chose a different analytical method which simply eliminated all the unwanted data – with the "reason" given that they didn't understand the issues at hand. If that was really the case, however, then they should not have gotten involved in the first place and should have left the field to those who do understand what they are doing.¹⁷

VI. The Law

It was Frederick the Great, King of Prussia, who once stated – and I quoted him in court as well for a good reason:^[18]

"A legal council which exercises injustices is more dangerous and worse than a gang of thieves; one can protect oneself against those, but nobody can protect himself against rogues who use the robes of justice to carry out their vicious passions; they are worse than the biggest scoundrels in the world and deserve double punishment."

I will not stretch the Anglo-Saxon reader's patience by reiterating my elaborations on the German justice system's perversions to persecute peaceful dissidents. I will merely restrict myself to a summary of a comparison with which I introduced my legal observations in court. It is a juxtaposition of the conditions of the current German judicial system in general and when dealing with revisionists in particular with that of another country, whose identity I revealed only at the very end of this comparison: The Soviet Union under Joseph Stalin. This comparison is based on the one hand on Alexandr Solzhenitsyn's trilogy *The Gulag Archipelago*, in which he describes his own experiences and those of others as political

prisoners in Stalin's Soviet Union.^[19] It is based on the other hand on my experiences with, and insights into, the German judicial system.

The first parallel concerns the existence of special government units serving the prosecution of politically motivated "crimes," which mostly refer to undesirable expressions of opinion. Stalin had his NKVD. In today's Germany this role is fulfilled by the Police Department for State Protection (*Dezernat Staatsschutz*), whose main focus is, statistically seen, on the prosecution of usually peaceful "thought crimes" committed by persons harboring right-wing views.

Another astonishing parallel between Stalin's judiciary and the current German system was described by Solzhenitsyn as follows:

"Another very important thing about the courts today: there is no tape recorder, no stenographer, just a thick-fingered secretary with the leisurely penmanship of an eighteenth-century schoolgirl, laboriously recording some part of the proceedings in the transcript. This record is not read out during the session, and no one is allowed to see it until the judge has looked it over and approved it. Only what the judge confirms will remain on record, will have happened in court. While things that we have heard with our own ears vanish like smoke – they never happened at all!" (vol. 3, p. 521)

In today's Germany the situation is even worse, since in proceedings before District Courts, which handle "serious" offenses, *no* protocol is kept at all about who says what and when. Needless to say this opens the floodgates to error and arbitrariness. And here is the perverted reason given by the German authorities why protocols are allegedly obsolete: Since one cannot appeal the decisions handed down by a District Court on matters of fact anyway, a protocol laying out the facts of the case is unnecessary. So here you have the core of the German judiciary: no appeal possible, hence no protocol. It has its internal logic and consistency, but doesn't that sound more like a totalitarian banana republic?

Another parallel is that defending yourself in front of such a court by trying to argue that you are right will merely exacerbate your situation, as Solzhenitsyn wrote:

"Even if you were to speak in your own defense with the eloquence of Demosthenes [^[20]...] it would not help you in the slightest. All you could do would be to increase your sentence [...]" (vol. 1, p. 294)

That's what happened to Ernst Zündel in Germany, whose lawyers ferociously defended his right to speak his mind, as a result of which Zündel got the maximum sentence for being recalcitrant. Plus his lawyers got indicted too, which is another parallel to Uncle Joe's Soviet paradise, as Solzhenitsyn reported:

"The tribunal roared out a threat to arrest [...] the principal defense lawyer [...]" (vol. 1, p. 350)

As if prosecuting defense lawyers for their perfectly legitimate defense activities weren't bad enough, here is how to top it off: threaten witnesses with prosecution, too, who dare to speak out for defendants on trial for "thought crimes," or as Solzhenitsyn put it (*ibid.*):

"And right then and there the tribunal actually ordered the imprisonment of a witness, Professor Yegorov, [...]"

That happened to me in 1994, when I was summoned by a defense lawyer in order to testify as an expert witness. When the Presiding Judge heard to what effect the defense wanted me to testify, he

warned me succinctly that I would be liable to prosecution if testifying along the lines of the lawyer's motion. Of course it never came to this, because, as Solzhenitsyn correctly observed:

"Defense witnesses were not permitted to testify." (vol. 1, p. 351)

In Germany they are never allowed to testify, when it comes to revisionists on trial. And worse still: not only witnesses supporting the views of a revisionist defendant are rejected, but all kinds of evidence: witnesses, documents, experts. Germany's judiciary claims that everything about the Holocaust is "self-evident," thus requiring no proof at all. In fact, they go so far as to indict anyone who merely dares to file a motion to introduce such evidence, be he a defendant or a defense lawyer. Yes, Germany has made it *illegal* to move for the introduction of exonerating evidence! Not even Stalin had such an ingenious tool in his repertoire of repression! This way the German judiciary manages to eliminate all unwanted data from the record – not that there is much of a record to begin with...

Although there are more parallels I quoted during my courtroom lectures, I will leave it at that here, as the message I want to convey is probably clear.

It goes without saying that there are also important differences between the Soviet and the current German systems of justice: torture does not exist in German prisons, and I am very grateful for that – although it is quite ironic to read in Solzhenitsyn's work that a Soviet prosecutor once stated:

"For us [Soviets...] the concept of torture inheres in the very fact of holding political prisoners in prison..." (vol. 1, p. 331)

With that he referred to the methods of the Tzarist regime, not to his own system's abuses, just as Germany criticizes the offenses against justice of others (like Iran or China), yet ignores the trampling of justice in its own courts.

When I revealed at the end of this comparison with which system I had compared the German system, the judges were visibly shaken. Maybe they realized that something about the system they are a part of is indeed fishy?

I continued my presentation with a definition of a political prisoner and the subsequent proof that we revisionists are a perfect match. Here are the ten criteria I listed, and I explained and proffered evidence that all these points are seen in the cases of prominent revisionists:

1. We are dealing with peaceful dissent, peacefully presented; with "peaceful" I mean that no justification or advocacy of violations of the civil rights of others occurs.
2. The prosecuted offense is not punishable in the vast majority of nations.
3. The dissident is supported by civil rights organizations.
4. The dissident receives statements of solidarity from strangers (correspondence, visits, interventions at authorities, demonstrations).
5. The government attempts to suppress such statements of solidarity.
6. Prominent individuals make statements of solidarity.

7. Statements of solidarity or criticism against prosecution are published by media & politicians, especially abroad.
8. The dissident's rights to a defense are restricted.
9. The persecuting nation refuses to recognize political prisoners as such despite the above features.
10. Dissidents receive worse treatment than regular inmates.

The last point results from the fact that the prison authorities expect that we revisionists recant and cease all contacts with like-minded persons. Since most of us refuse to do this, the consequences are harsh: no early release on parole, no reliefs in our prison regimen. Needless to say that the same authorities do not expect a drug dealer, for example, to recant his views on drugs and to cease any contact with his pals and clients. Views, opinions and social contacts are simply not of any interest when it comes to "normal" criminals. Hence dissidents in Germany are subjected to a special treatment. This is not only meant to mentally "heal" the thought criminal, but also to deter others from dissenting. In legalese, deterring the general populace from committing a crime is called "general prevention." According to Solzhenitsyn, imprisoning dissidents in the late Soviet Union was a measure of "social prophylaxis" (vol. 1, p. 42), which probably amounts to the same thing.

Ironically I had committed the "thought crimes" for which I was imprisoned in Germany in countries where these acts had been and still are perfectly legal: the U.S. and the UK. Germany simply claims the right to prosecute dissent anywhere in the world, if their dissenting voices violate German law and could be heard or read in Germany. In the Internet era, this basically amounts to prosecuting anybody, anywhere, at any time, if only the German authorities can get their hands on the dissident.

For anyone not residing in Germany or any other persecuting nation, the question is: what law should one abide by to stay out of trouble? I don't think there is a satisfactory answer to this question. I've therefore decided to abide by a higher, uncodified law, which was summarized succinctly by Immanuel Kant in his Categorical Imperative: [\[21\]](#)

"Act only according to that maxim whereby you can at the same time will that it should become a universal law."

If we apply this to the present case, we will see immediately that the legal concepts of "stirring up the people" and "endangering the public peace," as listed in the German law used to prosecute revisionists, are untenable, as they do not describe acts of a perpetrator but rather the effects it has on others.

If an act justifies or advocates the violation of the civil rights of others, then this itself is the act that one might consider prosecutable. Whether this act has any other consequences, like disturbance of the public peace, should be an aggravating circumstance at worst. In fact, many scenarios can be imagined where a perfectly peaceful opinion could wreak havoc in a society which considers such an opinion to be heretical or blasphemous. The history of mankind is full of innocent, peaceful individuals who were persecuted because they upset certain, usually powerful, parts of the populace: Socrates, Jesus Christ, Martin Luther, Galileo Galilei, Mahatma Gandhi. Or take the founding fathers of the U.S. constitution: Did they not disturb the public peace, stir up the populace, and commit sedition?

In all these cases it was *not* the dissident causing havoc, but it was the mindset of the people in their environment and the way they reacted to the dissent. Luther neither advocated the Church to be split in two nor did he ask for the Peasants' War or the Thirty Years War, yet they all ensued as a repercussion. Was Luther responsible for all this? No he was not. The social, political and economic injustices of the time were the cause.

So where and how do we draw the line when it comes to punishing disturbers of the "public peace"?

Let me give one more example to make even the most hardcore anti-fascist agree that concepts like "disturbing the public peace" belong in the dustbin of history: During the Third Reich the German Catholic priest Rubert Mayer was publicly indicted because with his sermons he had "repeatedly made public, inciting statements" and because he had discussed matters of the state "in a way capable of endangering public peace." [22] He was subsequently imprisoned at Sachsenhausen concentration camp for seven months. Compare this with the multi-year prison terms revisionists get nowadays in "democratic" Germany!

Although I argued during my defense lecture that the German law I was prosecuted under was unconstitutional, this is of little relevance for people acting within other legal frameworks. What is more important is a universal, holistic approach to the issue of how to react to authorities persecuting peaceful dissidents, no matter what legal trappings they wrap around it.

VII. Resistance

Karl R. Popper wrote in his classic work *The Open Society and Its Enemies*: [23]

"those who are not prepared to fight for their freedom will lose it."

The tragedy is that the enemy threatening our freedom is the very entity – the State – whose "fundamental purpose [is...] the protection of that freedom which does not harm other citizens." [24]

So what are we to do as generally law-abiding citizens, when the law itself has become fundamentally unjust? The answer was given some 160 years ago by Henry David Thoreau in his classic essay "Civil Disobedience": [25]

"Unjust laws exist: shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men generally, under such a [democratic] government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy is worse than the evil. It makes it worse. Why is it not more apt to anticipate and provide for reform? [...] Why does it always crucify Christ, and excommunicate Copernicus and Luther, and pronounce Washington and Franklin rebels? [...]"

A minority is powerless while it conforms to the majority; [...] but it is irresistible when it clogs by its whole weight. If the alternative is to keep all just men in prison, or give up war and slavery, the State will not hesitate which to choose. [...]"

Under a government which imprisons any unjustly, the true place for a just man is also in prison."

So if you are a true fighter for freedom of speech and haven't been in prison yet, you've done something wrong! Or you were just plain lucky.

This essay by Thoreau inspired Mahatma Gandhi, from whose writings I quote some pivotal sentences which, in turn, were an inspiration for me during my time in prison:[\[26\]](#)

“So long as the superstition that men should obey unjust laws exists, so long will their slavery exist.”

“Democracy is not a state in which people act like sheep. Under democracy individual liberty of opinion and action is jealously guarded.”[\[27\]](#)

“In other words, the true democrat is he who with purely non-violent means defends his liberty and therefore his country’s and ultimately that of the whole of mankind.”[\[28\]](#)

“I wish I could persuade everybody that civil disobedience is the inherent right of a citizen. He dare not give it up without ceasing to be a man. [...] But to put down civil disobedience is to attempt to imprison conscience. [...] Civil disobedience, therefore, becomes a sacred duty when the State has become lawless, or which is the same thing, corrupt. [...] It is a birthright that cannot be surrendered without surrender of one’s self-respect.”[\[29\]](#)

But when exactly and how is a minority in a constitutional democracy under the (claimed) rule of law allowed to resist its government? In my defense speech I elaborated on this by quoting numerous experts, most German, on the topic. In summary, most experts agree that civil disobedience against a government, that is to say peaceful disregard of the law, is permissible only if the government’s violation against which the protest is directed affects valid constitutional principles or general principles of human rights. This also means that the protesters may ignore or violate only those laws against which the protest is directed. In other words, the protesters may not set their private views as absolute, and they are not allowed to violate other laws, which are generally accepted even by them. Hence violent protests are unacceptable.

This is what we revisionists should insist upon: The right to doubt and to peacefully dissent on any topic is an integral, inalienable part of our human condition, and thus of our human rights, whether it is enshrined in our country’s constitution or not. Any government enacting laws or regulations infringing on that right must be resisted with peaceful means by consciously and deliberately violating the law which violates our human dignity.

And that is exactly what I told the German court in 2007.

Curiously enough, the German constitution even grants all German citizens the right to resist their government. In article 20, paragraph 4, of the German Basic Law it says:

“All Germans have the right to resist against everyone who endeavors to remove this [constitutional democratic] order, if no other remedy is possible.”

The question is, of course, at what point it is permitted to invoke this right? Do we have to wait until the government has turned into an outright tyranny, or should we be allowed to put our foot down at the outset of government excesses? Since it is always easier to resist the onset of governmental abuse rather than to wait until resistance has become mortally dangerous for the resister, the wise answer to that question ought to be obvious.

Let me quote Germany’s highest authority on this question: Prof. Dr. Roman Herzog, former President of the German Federal Constitutional High Court and later President of the Federal Republic of Germany.

He stated repeatedly that “from time immemorial there has been a right to resist by those violated and a right to emergency relief for all citizens” in case of encroachments on human dignity and on the human rights.^[30] According to Herzog, each article in Germany’s constitution – the statutory civil rights also among them – is,

“viewed by daylight,... nothing else but the specific elaboration on a fundamental principle of the constitutional nature of the state, so that assaults on almost any individual article at once touch upon the principles of art. 20 of the Basic Law [the right to resist].” ^[31]

Since it is the primary obligation of the State to protect the dignity of its subjects, it is in turn also the primary right of all human beings to resist encroachments of the State on human dignity.^[32]

This closes the circle of my argumentation, at the beginning of which I demonstrated that the right to doubt, to search for the truth, and to communicate the results of this activity is simply constitutional for being human, hence for human dignity as such.

Hence, resistance is obligation!

VIII. Prison

Between the years 1993 and 2011 I had, in a certain way, a Jewish experience: I was persecuted by my own government, saw my career chances destroyed, fled from one country to another in an attempt to avoid incarceration, but eventually I was caught and deported. I subsequently spent many years in a number of detention facilities: Rottenburg, Stuttgart, Heidelberg, Mannheim, and again Rottenburg. In those prisons I had to do work in order to pay for the costs I was causing the German prison system (forced labor, anyone?). After being released, I eventually, after an agonizingly long legal struggle, managed to emigrate for good from the country of my birth.

However, I am also very fortunate that in many ways my experience was much more benign than what many Jews had to experience during World War II: the detention conditions were rather favorable, my family was left unharmed, my health uncompromised, my spirit unbroken, and my property untouched (except maybe for a quarter million dollars in lawyer bills that accumulated over these 18 years).

“So, what is it like in prison?” people ask me once in a while. On the one hand I recommend that you better not find out. But then again, maybe you should. Although not a nice one, it still is a part of the human condition.

Being arrested and thrown into jail is traumatic. The first weeks and months are the worst. But humans are creatures of habit, and so you adjust to your life’s circumstances even in such a dismal environment. You find a way to organize your day, to focus on some activities which you enjoy and which make time pass: you write letters, draw pictures, sing songs (Karaoke-style, for the most time...), and you join many of the recreational activities offered: volleyball, working out, Bible studies, discussion groups, church choir, prison band (yes, we had jailhouse rock, and it rocked!). And, needless to say, you play games with fellow inmates and also work out in your cell: push-ups, sit-ups, pull-ups at the toilet curtain rail, and other exercises with self-made “weights” (I had ten one-liter milk cartons placed in an undershirt knotted shut at the bottom; worked nicely).

You even make friends, sort of. Not the kind you keep once you are out, but every prison is a tiny world with all the social dynamics you have outside as well. So, even though you initially thought you could

never adjust to it, eventually you settle in. You have your time well organized and even feel kind of comfy in your little nook that you've carved out for yourself.

It comes to the point where, after having been out of your cell for a number of hours partaking in some activities, you mumble to yourself: "I'm tired, I want to go home" – by which you mean your cell... Makes you worry, doesn't it? Yet making yourself feel at home even in such a gloomy place is the art of living, is the way to limit emotional damage.

And then, for whatever reason, you are transferred to another jail. That's bad news. You can read it frequently in survivor testimonies: You get ripped out of your routine. You lose all the informal privileges you've won, all the friends you've made. You get to a place where you know nobody. You need to start from scratch organizing yourself and your daily routine: how to get the food you prefer, how to join the recreational groups you like, and so on. Hence every transfer is a new traumatic experience.

I therefore understand today why prisoners who had been at Auschwitz for a while and had managed to carve out a little niche for themselves feared being transferred to another camp – provided of course there was no extermination going on at Auschwitz.

But all the adjusting notwithstanding, make no mistake: I stood for many hours behind those iron bars in my various prison cells longing to be able to finally go home, and during our courtyard time my eyes followed many an airplane in the sky flying west craving that Scotty might beam me up there...

Which brings up another astounding fact of life: In Germany every prisoner has the right to spend one hour a day in the courtyard, and I assume that the law is similar in most countries. Since that's the only time the inmates can get out of their cells (apart from going to work and recreational activities), most of them make the most of it. The result is that during summer time most inmates get quite a tan, which led my mother to ask me one day whether we have a tanning studio in prison. Well, no, but count the hours which you, as a free person, spend outside each day, and you will realize that a free person on average spends considerably less than an hour outside. So, statistically speaking, prison inmates are more often "out and about" than free people. Amazing, isn't it? Well, I admit, maybe they are out, but not about...

Nothing is worse than the feeling of losing a sizeable part of your lifetime being locked up. So you look for something which helps you feel that you've used your time for something constructive and of use in your later life. Hence I obtained a Cambridge Certificate in Advanced English, learned Spanish, and extended my English vocabulary by learning the words in *Roget's Thesaurus* (one hour of word learning every day, religiously). I read as I've never read in my entire life. I subscribed to the weekly *Science* magazine and read it for three years from cover to cover, thus broadening my scientific knowledge in numerous fields considerably. I also read the works of classic and philosophical literature which I had never managed to look into while free: the ones I like (Aristotle, Kant, Popper, Tolstoy, Dickens, Schopenhauer, to name the most impressive) and the ones I learned to dislike (Dostoyevsky, Hegel, Hemingway).

Now my wife calls me a walking thesaurus. Speaking of whom... she is a psychologist specializing in helping people who have been traumatized by their life's experiences. So she announced toward the end of my incarceration that she would take good care of me and help me to efface my emotional scars. But after my release she quickly realized that these 45 months of incarceration had passed by me

without leaving any apparent trace. I was still the same man she had lost back then, and so she fell in love with me all over again...

Even though the authorities treated me worse than other inmates because I did not recant my views and showed no signs of remorse – they rebuked me repeatedly for spreading my views among the inmates – my lot was far better than that of the other inmates from a psychological point of view: being incarcerated did not tarnish my reputation, quite to the contrary. I wear it like a badge of honor, or as the German historian Prof. Dr. Ernst Nolte wrote to me in a letter after my release, I can now count myself among the men of honor who have gone to prison for reasons of conscience. Whereas most inmates lose most of their friends and often even the support of their families, my friends and family have stood firmly by me. Whereas most prisoners struggle financially and get in deep debt during their incarceration, as they lose their jobs and subsequently often also their homes and property, I was very fortunate to find so many generous supporters that not only my legal expenses were covered, but also the support for my children. There were even some funds left over which I could use after my release to restart my life.

Most important and in contrast to most inmates, political prisoners don't lose their feeling of meaning; they feel neither guilty nor ashamed of what they have done. Or as David Cole expressed it once: We are loud, we are proud, and the best of all: we are right!

This attitude, more than anything else, makes you wing even the toughest of times, and it keeps you going afterwards as well, as the *New York Times* correctly observed in an article entitled "Why Freed Dissidents Pick Path of Most Resistance." This article, which was fittingly published five weeks prior to my release from prison, describes how Arab dissidents who were incarcerated for their peaceful political views went right back to their acts of civil disobedience once released from prison.^[33] As one of them expressed it:

"It is a matter not only of dignity, it is the sense of your life. It's your choice of life, and if you give up, you will lose your sense of your life."

He said he had no choice but to go right back to where he had left off.

Just like us revisionists!

Notes:

- [1] I will not dwell on my trials and tribulations with U.S. immigration authorities. My case is thoroughly documented online at www.germarrudolf.com.
- [2] G. Rudolf, *Resistance Is Obligation*, published privately, forthcoming.
- [3] Germany's Basic Law, which was negotiated between German politicians and primarily the U.S. occupational forces right after WWII, is considered to be its constitution, although it has never been approved by a referendum of the German people, hence lacks formal legitimacy.

- [4] Nikolaus Kopernikus, *Über die Kreisbewegungen der Weltkörper*, Thorn 1879, p. 7; Engl.: Nicolaus Copernicus, *On the Revolution of Heavenly Spheres*, Prometheus Books, Amherst, NY, 1995; here quoted from Dorothy Stimson, *The Gradual Acceptance of the Copernican Theory of the Universe*, Hanover, NH, 1917, p. 115; original: *De revolutionibus orbium coelestium*, 1543; from 1616 to 1822 this book was “suspended” by the Catholic Church, which means that, when quoting the book, it had to be emphasized that the heliocentric system is merely a mathematical model.
- [5] Socrates, *Apologia*, Sec. 38.
- [6] Aristotle, *Metaphysics*, book 1, chapter 1, first sentence; Richard Keon (ed.), *The Basic Works of Aristotle*, Random House, New York, 1941, p. 689.
- [7] Aristotle, *Nicomachean Ethics* book X, chapter 7; *ibid.*, p. 1105.
- [8] Konrad Lorenz, *Der Abbau des Menschlichen*, Piper, Munich 1983, p. 1; *The Waning of Humaneness*, Little, Brown & Co., Boston 1987, p. 186.
- [9] Karl Popper, *Objective Knowledge*, 4th ed., Clarendon Press, Oxford 1979, pp. 24f.
- [10] Immanuel Kant, “Beantwortung der Frage: Was ist Aufklärung?,” *Berlinische Monatsschrift*, December 1784, pp. 481-494; see http://en.wikiquote.org/wiki/Immanuel_Kant.
- [11] Karl R. Popper, *The Open Society and Its Enemies*, Routledge & Paul, London 1962, vol. 1, p. 202.
- [12] Karl Popper, *Objective Knowledge*, *op. cit.* (note 9), pp. 347f.
- [13] Based mainly on his works *The Logic of Scientific Discovery*, Hutchinson & Co., London 1968, and *Objective Knowledge*, *op. cit.* (note 9).
- [14] J. Markiewicz, W. Gubala, J. Labedz, “A Study of the Cyanide Compounds Content in the Walls of the Gas Chambers in the Former Auschwitz and Birkenau Concentration Camps,” *Z Zagadnien Nauk Sadowych*, Vol. XXX (1994) pp. 17-27.
- [15] F. Leuchter, R. Faurisson, G. Rudolf, *The Leuchter Reports*, 3rd ed., The Barnes Review, Washington, DC, 2012, pp. 44-46, 59.
- [16] Originally presented in: Ernst Gauss (=Germar Rudolf), *Vorlesungen über Zeitgeschichte*, Grabert, Tübingen 1993; Engl. see G. Rudolf, *The Rudolf Report*, 2nd ed., The Barnes Review, Washington, DC, 2011, pp. 230-278.
- [17] For details see Germar Rudolf, Carlo Mattogno, *Auschwitz Lies*, 2nd ed., The Barnes Review, Washington, DC, 2011, pp. 45-67.

- [18] Bruno Frank, *Friedrich der Große als Mensch im Spiegel seiner Briefe*, Deutsche Buch-Gemeinschaft, Berlin 1926, p. 99.
- [19] Aleksandr Solzhenitsyn, *The Gulag Archipelago*, Collins & Harvill, London 1974-1978.
- [20] Leading Greek orator and leading statesman of Athens (384-322 B.C.).
- [21] Immanuel Kant, *Kritik der praktischen Vernunft*, Riga 1788, p. 54 (§ 7 “Grundgesetz der reinen praktischen Vernunft”; new: Meiner, Hamburg 2003, p. 41); Engl.: *Grounding for the Metaphysics of Morals*, 3rd ed., Hackett, Indianapolis 1981, p. 30.
- [22] Otto Gritschneider (ed.), *Ich predige weiter. Pater Rupert Mayer und das Dritte Reich*, Rosenheimer Verlag, Rosenheim 1987, p. 89.
- [23] Karl Popper, *The Open...*, *op. cit.* (note 11), vol. 2, p. 287.
- [24] *Ibid.*, vol. 1, p. 110.
- [25] Henry David Thoreau, *Walden and Other Writings*, Bantam, Toronto 1981, pp. 92, 94.
- [26] Shriman Narayan (ed.), *The Selected Works of Mahatma Gandhi*, vol. 4, Navajivan Publishing House, Ahmedabad 1969, p. 174.
- [27] *Young India*, 2 March 1922; Ministry of Information and Broadcasting, Government of India (ed.), *The Collected Works of Mahatma Gandhi (Electronic Book)*, Publications Division Government of India, New Delhi 1999, 98 volumes (www.gandhiserve.org/cwmg/cwmg.html), subsequently CWMG, here vol. 26, p. 246.
- [28] *Harijan*, 15 April 1939, CWMG, vol. 75, p. 249.
- [29] *Young India*, 5 Jan. 1922; CWMG, vol. 25, pp. 391f.
- [30] Roman Herzog, “Das positive Widerstandsrecht” in: *Festschrift für A. Merkel*, Munich 1970, p. 102; quoted acc. to Klaus Peters, *Widerstandsrecht und humanitäre Intervention*, Osnabrücker Rechtswissenschaftliche Abhandlungen, vol. 61, Carl Heymanns Verlag, Cologne 2005, p. 184 (Dissertation at Univ. Osnabrück 2004/2005).
- [31] R. Herzog, *ibid.*, p. 100; K. Peters, *ibid.*, p. 188.
- [32] R. Herzog, in: Theodor Maunz, Günter Dürig, *Grundgesetz Kommentar*, 41st Supplement (Ergänzungslieferung), Munich 2002, Art. 20, para. 4, Rn. 17-19: acc. to K. Peters, *ibid.*
- [33] Published online at www.nytimes.com/2009/05/27/world/middleeast/27egypt.html on 26 May 2009. A version of this article appeared in print on 27 May 2009, on page A6 of the New York

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